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Attorneys for Plaintiff
ABBOTT LABORATORIES

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ABBOTT LABORATORIES,

Plaintiff,

V.

SCANTIBODIES LABORATORY, INC.,

Defendant.

Case No.: 08 CV 1525 H (BLM)

Related case:

Case No.: 07 CV 3428 (MFK)
Pending in the Northern District of Illinois

DECLARATION RE PROOF OF SERVICE

DECLARATION OF STEPHEN R. SMEREK

1. I am a partner with the law firm of Winston & Strawn LLP, counsel of record for Plaintiff, Abbott Laboratories. I make this declaration voluntarily, concerning matters within my personal knowledge.

1. Attached hereto is the original issued Summons and executed Proof of Service evidencing service of various documents on Defendant Scantibodies Laboratory. The documents were served on August 20, 2008, on Allan Garrett, Scantibodies' Agent for Service of Process, at 9343 Wheatlands Road, Santee, California 92071-2860. See Exhibit "A".

I declare under penalty of perjury under the laws of the United States of America that
the foregoing is true and correct.

Executed this 29th day of August, 2008, at Los Angeles, California.

/s/ Stephen R. Smerek
Stephen R. Smerek

CERTIFICATE OF SERVICE

Abbott Laboratories v. Scantibodies Laboratory, Inc.

I, Stephen R. Smerek, an attorney at Winston & Strawn LLP, of the office located at 333 South Grand Avenue, 38th Floor, Los Angeles, CA 90071-1543, hereby certify under penalty of perjury that on August 29, 2008, that I caused to be served the following documents entitled:

DECLARATION RE PROOF OF SERVICE

Said documents were served as indicated below, upon all interested parties at the following addresses:

By Electronic Filing: The above and foregoing document(s) was electronically filed with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following

Edward Patrick Swan, Jr. - pswan@luce.com
LUCE, FORWARD, HAMILTON &
SCRIPPS LLP
600 West Broadway, Suite 2600
San Diego, CA 92101-3372

Anastasia Heffner -
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ROBINS, KAPLAN, MILLER & CIRESI
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, MN 55402

DATED: AUGUST 29, 2008

/s/Stephen R. Smerek
Stephen R. Smerek

EXHIBIT "A"

Summons in a Civil Action (Rev 11/97)

ORIGINAL

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

PLAINTIFFS

ABBOTT LABORATORIES

vs

DEFENDANTS

SCANTIBODIES LABORATORY,
INC.

SUMMONS IN A CIVIL ACTION

Case No. 08 CV 1525 H BLM

TO: (Name and Address of Defendant)

SCANTIBODIES LABORATORY, INC.
Attn: Allen Garrett, Registered Agent
9336 Abraham Way
Santee, CA 92071

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

Stephen R. Smerek
WINSTON & STRAWN LLP
333 South Grand Avenue, 38th Floor
Los Angeles, CA 90071

George C. Lombardi, Raymond C. Perkins,
Stephanie S. McCallum, Kevin E. Warner
WINSTON & STRAWN LLP
35 West Wacker Drive, Chicago, IL 60601

An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

CLERK

By

, Deputy Clerk

AUG 20 2008

DATE

Summons in a Civil Action

Page 1 of 2

WINSTON & STRAWN LLP Stephen R. Smerek, Esq. (SBN 208343) 333 South Grand Avenue, 38th Floor Los Angeles, California 90071-1543		(213) 615-1700		
ATTORNEY FOR (Name): Plaintiff ABBOTT LABORATORIES				
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA				
PLAINTIFF:	NORA GARIBOTTI			
DEFENDANT:	JAMES E. McCORMICK III, et al.			
PROOF OF SERVICE	HEARING DATE:	TIME:	DEPT/DIV.:	CASE NUMBER: 08 CV 1525 H BLM

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the (*specify document(s)*).
SEE ATTACHED LIST

2. a. Party served: **Scantibodies Laboratory, Inc.**
b. Person served: **Allan Garrett, Agent for service of process**
c. Address: **9343 Wheatlands Road
Santee, California 92071-2860**

3. I served the party in item 2
a. by personally delivering the copies (1) on (*date*): **08/20/08**
(2) at (*time*): **01:41 p.m.**

4. Person serving (*name, address, and telephone No.*):
**Craig Clemence
Ace Messenger and Attorney Service, Inc.
110 West C Street, Suite 805
San Diego, California 92101
(619) 235-8400**

a. Fee for service: \$
b. Registered California process server.
(1) Employee or independent contractor.
(2) Registration No.: **1424**
(3) County: **SAN DIEGO**

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 22, 2008

Craig Clemence
(signature)

ORIGINAL

ATTACHED LIST OF DOCUMENTS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ABBOTT LABORATORIES

v.

SCANTIBODIES LABORATORY, INC.

CASE NUMBER: 08 CV 1525 H BLM

1. SUMMONS;
2. CIVIL CASE COVER SHEET;
3. ABBOTT LABORATORIES' NOTICE OF MOTION AND MOTION TO COMPEL COMPLIANCE WITH SUBPOENA ON THIRD PARTY SCANTIBODIES LABORATORY, INC., PURSUANT TO RULE 45(C)(2)(B); MEMORANDUM OF POINTS AND AUTHORITIES AND DECLARATION OF KEVIN E. WARNER IN SUPPORT THEREOF;
4. [PROPOSED] ORDER GRANTNG ABBOTT LABORATORIES' MOTION TO COMPEL COMPLIANCE WITH SUBPOENA ON THIRD PARTY SCANTIBODIES LABORATORY, INC., PURSUANT TO RULE 45(C)(2)(B);;
5. ABBOTT LABORATORIES' CORPORATE DISCLOSURE STATEMENT ;